

## *Mulier accusatrix in the Laudatio Turiae*<sup>1</sup>

Maciej Jońca

*University of Szczecin, Faculty of Law and Administration*

*Kontaktní e-mail: maciej.jonca@usz.edu.pl*

*ORCID: 0000-0003-4982-8936*

### **Abstract:**

Legal sources relating to the imperial period (especially Justinian's *Digesta*) show that Roman criminal law allowed women to bring criminal charges only in exceptional situations. On the other hand, to prosecute the murderer of a relative was considered a sacred duty for the members of the victim's family. Any negligence in this area was perceived as wicked behaviour and detrimental to the memory of the deceased. The obligation to bring a criminal charge, symbolically identified with vengeance (*ultio, vindicta*), rested with men. The surviving funeral eulogy known as the *Laudatio Turiae* shows a very different pattern. Its content shows that at the end of the first century BC, it was a woman who accused the murderers of her parents in court and brought about their conviction. The oration makes it possible to initiate an interesting discussion on the real importance of women's voice in the criminal process and on the social stereotypes that limited their participation in public procedures.

**Keywords:** Roman law; *Laudatio Turiae*; roman criminal trial; vengeance; Roman women

**DOI:** 10.14712/2464689X.2024.2

---

<sup>1</sup> The draft version of the text was originally presented during the *LXXXIIIe Session de la Société Internationale Fernand de Visscher pour l'Histoire des Droits de l'Antiquité* in Edinburgh, 2–7 September 2019.

## Inscription

One of the most interesting epigraphic monuments preserved in the Roman Baths Museum (*Museo Nazionale Romano – Terme di Diocleziano*) in Rome is a fragment of a funerary speech, carved in stone, devoted to an anonymous Roman matron.<sup>2</sup> After a comparative analysis with the tablets kept in the Villa Albani, copies and later findings of lesser importance, it was possible to recreate its content almost entirely. In the long eulogy, a husband who is immersed in grief praises his prematurely deceased wife. When one compares the achievements of the deceased and the biography of the patrician Quintus Lucretius Vespillo, which is summarized by the ancient historians Valerius Maximus<sup>3</sup> and Appianus of Alexandria,<sup>4</sup> it is easy to see some similarities. The name of Vespillon's wife was Turia, which is why the eulogy is traditionally called *Laudatio Turiae* in the literature.

Due to its length, style and the issues it touches upon, the inscription constitutes a fascinating material for research on the law and customs in Rome in the late republic and at the beginning of the principate.<sup>5</sup> The content of the inscription is surprising, as the *laudador* is not satisfied to utter a few flat praises to his deceased spouse. His narrative accurately refers to specific moments from their shared past. The female figure was given a central place in it. The grieving husband deliberately stepped back to fully show the uniqueness of the woman whom fate gave him as a wife. *Nolens volens*, he achieved an astonishing effect by this simple trick: some of her deeds are more like the achievements of some great Roman male hero.<sup>6</sup> One of them was to exact “judicial revenge” on the murderers of her parents.

<sup>2</sup> Primary monographs on the so called *Laudatio Turiae*: DURRY, M. *Éloge funèbre d'une matrone romaine (Éloge dit de Turia)*. Paris: Les Belles-Lettres, 1950; FLACH, D. *Die sogenannte Laudatio Turiae: Einleitung, Text, Übersetzung und Kommentar*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1991; JOŃCA, M. *Laudatio Turiae – funebris oratio uxori dedicata. Pochwała Turii – mowa pogrzebowa ku czci żony*. Poznań: Wydawnictwo UAM, 2011; WISTRAND, E. *The so-called Laudatio Turiae: Introduction, text, translation, commentary*. Lund: Acta Universitatis Gothoburgensis, 1976.

<sup>3</sup> Val. Max. 6.7.2: *Q. Lucretium proscriptum a triumviris uxor Turia inter cameram et tectum cubiculi abditum una conscia ancillula ab imminente exitio non sine magno periculo suo tutum praestitit singularique fide id egit, ut, cum ceteri proscripti in alienis et hostilibus regionibus per summos corporis et animi cruciatus uix euaderent, ille in cubiculo et in coniugis sinu salutem retineret* (Proscribed by the Triumvirs, Q. Lucretius was hidden by his wife Turia between the ceiling and the roof of their bedroom. So with one slave girl for accomplice she kept him safe from imminent death not without great risk to herself. When others of the proscribed barely escaped in alien and hostile regions at the price of cruel tortures of body and mind, he, thanks to her extraordinary fidelity kept his life in his bedroom and the bosom of his spouse). English translation quoted after: VALERIUS MAXIMUS. *Memorable Doings and Sayings, V. II*. SHACKLETON-BAILEY, D. R. (ed.). Cambridge-Massachusetts: Harvard University Press, 2000, p. 73. App. *bell. civ.* 4.44.

<sup>4</sup> Recently, interesting studies have appeared in Poland emphasizing the value of epigraphic sources in the study of Roman law. See: JUREWICZ, A. R. Trzy inskrypcje z Volubilis (IAM 2.369, 370a, 448): interpretari epigraphicam. *Studia Prawnoustrojowe*, 2013, No. 22, pp. 131–141; WIEWIOROWSKI, J. Inskrypcja w warsztacie romanisty – “case study” bis. *Miscellanea Historico-Iuridica* 2018, No. 17.2, pp. 153–174; IDEM. Epigrafika w warsztacie badacza ustroju rzymskiego – case study. *Zeszyty Prawnicze*, 2019, No. 19.1, pp. 153–172; JOŃCA, M. Unikatowy sarkofag młodego mediolańskiego adwokata z czasów rzymskich. *Zeszyty Prawnicze*, 2022, No. 22.1, pp. 7–24.

<sup>5</sup> For this reason, locating this inscription among sources emphasizing only conjugal love does not seem appropriate. The most interesting themes raised in the *Laudatio Turiae* are not related to the sentimental image of the Roman family. Cfr. DIXON, S. The Sentimental Ideal of the Roman Family. In: RAWSON, B. (ed.). *Marriage, Divorce, and Children in Ancient Rome*. Oxford: Clarendon Press, 1991, pp. 101–102.

## Action and reaction

The speech is unique in every aspect, which may be seen after reading the very first lines from the text:

You became an orphan suddenly before the day of our wedding, when both your parents were murdered together in the solitude of the countryside. It was mainly due to your efforts that the death of your parents was not left unavenged. For I had left for Macedonia, and your sister's husband Cluvius had gone to the Province of Africa. So strenuously did you perform your filial duty by your insistent demands and your pursuit of justice that we could not have done more if we had been present. But these merits you have in common with that most virtuous lady your sister (I 3–7).<sup>7</sup>

The situation described above was a rarity in ancient Rome. Women who cared for their reputation were expected to fulfil themselves almost exclusively as wives and mothers.<sup>8</sup> Their participation in public life was restricted to an utmost degree. They would appear before criminal courts as the accused only incidentally.<sup>9</sup> In other situations, they rather had to rely on being represented by men. Their status is aptly illustrated by the laconic opinion of Roman jurist Papinian: “In many provisions of our law, the legal position of women is worse than that of men.”<sup>10</sup> Exceptions were allowed rarely and reluctantly. About the fact that women are exceptionally allowed to prosecute in cases that involve their closest relatives, the same Papinian wrote precisely as an unwelcome exception.<sup>11</sup> Back in the 4th century AD, emperor Constantine insisted that granting women the right to prosecute in all cases was contrary to divine law (*fas*).<sup>12</sup>

Among the ancient legal terms collected in the *Handlexikon zu den Quellen des römischen Recht* or in the *Encyclopedic Dictionary of Roman Law*, we will not even find the word for a female accuser: *accusatrix* (even though there is *actix-Klägerin*).<sup>13</sup> *Thesaurus poeticus linguae latinae* points to only one source where the phrase can be

---

<sup>7</sup> *Laud. Tur.* I 3–7: *Orbata es [repente ante nuptiar]um diem utroque pa[rente in rustica soli]tudine una o[ccis]is. Per te max[ime] cum ego in Macedo[niam] abissem, [vir sororis tua[e] Cluvius in A]fricam provinciam, [non remansit inulta] || mors parentum. [Tanta cum industria m[unere es p]ietatis perfuncta efflagitando,] | vindicando, ut, si praest[o] fu]issemus, non ampliu[s] praestitissemus. At] | haec habes communia cum [s]ancitissima femina s[orore tua].* Latin text quoted after: JOŃCA, *Laudatio Turiae*, p. 40.

<sup>8</sup> For male views in Rome on the problem of women's emancipation: CANTARELLA, E. *Pandora's Daughters. The Role and Status of Women in Greek and Roman Antiquity*, Baltimore – London, 1993, pp. 143–148.

<sup>9</sup> JOŃCA, M. s.v. *mulier accusatrix*. In: IDEM (ed.). *Leksykon rzymskiego prawa karnego*. Warszawa: C. H. Beck, 2022, pp. 188–189.

<sup>10</sup> D. 1.5.9: *In multis iuris nostri articulis deterior est condicio feminarum quam masculorum.*

<sup>11</sup> D. 48.2.1: *Non est permittum mulieri publico iudicio quemquam reum facere, nisi scilicet parentum liberorumque et patroni et patronae et eorum filii filiae nepotis neptis mortem exequatur* (A woman is not allowed to accuse anyone in a public criminal trial unless it is clear that she is acting in the death of her parents, children, patron, patroness or their sons, daughters, grandsons and granddaughters).

<sup>12</sup> CTh. 9.1.3.

<sup>13</sup> HEUMANN, H. G. *Handlexikon zu den Quellen des römischen Recht*. Jena: Gustav Fischer, 1891, p. 10; BERGER, A. *Encyclopedic Dictionary of Roman Law*. Philadelphia: The American Philosophical Society, 1953, p. 348. Cfr. also C.J. 7.16.41. In some dictionaries of literary Latin, the noun *accusatrix* occurs. Cfr.: LEWIS, CH. T. – SHORT, CH. *A Latin Dictionary*. Oxford: Clarendon Press, 1958, p. 20: “she who makes accusation against any one, a female accuser”.

found<sup>14</sup> – a comedy by Plautus entitled *Asinaria*.<sup>15</sup> The term appears incidentally in the correspondence between Pliny and Trajan dated to the early 2nd century AD. The governor of Bithynia and Pontus reports to his emperor about a certain female accuser called Furia Prima who caused trouble in court to the philosopher Flavius Archippus.<sup>16</sup> Trajan acknowledged receipt of documentation related to the trial including the accusation, to which he made no substantive comments.<sup>17</sup> The lack of comparative material allows us to make two hypotheses: Furia Prima was in fact represented before the court by a man, and Pliny in his letter to Trajan used a mental shortcut, or the situation strictly refers to the judicial practices of the Greek East.

The content of the fragment of the *Laudatio Turiae* does not leave room for any doubt. It was a woman who accused the murderers of her parents before the court and ... she won. Although the speech contains some elements of revenge, in its essence the situation is not about a spontaneous exercise of justice, but it concerns proper court proceedings.

## Vengeance

Among the emotions which Tiffany Watt Smith collected in her work: *The Book of Human Emotions*, one may find, among others, vengeance. The author emphasises that “by the sixteenth century judges and countries were quick to portray vengefulness as unruly and dangerous ... Philosophers followed suit. ‘Revenge is a kind of wild justice’ wrote Francis Bacon ‘which the more man’s nature runs to, the more ought law to weed it out’.”<sup>18</sup> Since the 18th century, thanks to Cesare Beccaria, the discourse of criminal law no longer includes revenge and vendetta becomes a taboo term. The 19th century German science collected its pathetic remains, civilized them and then hid in an urn with a label: *Selbsthilfe*.

The Romans thought and acted in a different way. For them vengeance was not a separate emotion or a feature of character, but a duty.<sup>19</sup> Rome was established at the bank of the Tiber by two brothers, who first avenged the harm suffered by their mother and grandfather. For centuries Romans fought wars in the name of vengeance in retaliation for the

---

<sup>14</sup> QUICHERAT, L. *Thesaurus poeticus linguae latinae*. Paris: Librairie Hachette, 1890, p. 11.

<sup>15</sup> Plaut. *Asin.* 3.1.10.

<sup>16</sup> Plin. *epist.* 10.59: *Flavius Archippus per salutem tuam aeternitatemque petit a me, ut libellum quem mihi dedit mitterem tibi. Quod ego sic roganti praestandum putavi, ita tamen, ut missurum me notum accusatrici eius facerem, a qua et ipsa acceptum libellum his epistulis iunxi, quo facilius velut audita utraque parte dispiceres, quid statuendum putares* (Flavius Archippus has charged me by your prosperity and immortal name, to forward a petition which he has placed in my hands. I thought it my duty to grant a request made in this way, provided that I informed Furia Prima, his accuser, of my intention. She has also handed me a petition which I am sending with this letter, so that you can hear both sides of the case and be better able to decide what is to be done). English translation quoted after: PLINY. *Letters (Books XVIII–X), Panegyricus, V. II*. RADICE, B. (translation). Cambridge – Massachusetts – London: Harvard University Press, 2004, pp. 241–242.

<sup>17</sup> Plin. *epist.* 10.60: *Libellos Furiae Primae accusatricis, item ipsius Archippi, quos alteri epistulae tuae iunxeras, legi* (I have read the petitions from Archippus and his accuser, Furia Prima, which you sent me in your second letter).

<sup>18</sup> SMITH, T. W. *Księga ludzkich uczuć*. Warszawa: W.A.B., 2017, p. 133.

<sup>19</sup> MADEJSKI, P. *Pomiędzy robur animi a ritus barbarus: zemsta w życiu społecznym republikańskiego Rzymu*. Lublin: Wydawnictwo UMCS, 2018, pp. 65–67.

real or imaginary harm.<sup>20</sup> Jurist Gaius stresses that the consequence of breaking a peace treaty sanctified by an oath is nothing else but “to take revenge according to the laws of war”.<sup>21</sup> The same motivation accompanied the conducting of the state reforms. Revenge constituted an inherent element of the private lives of the citizens. Not only did people pursue retaliation, but it was also common among ancestor spirits, gods and even ... animals (which we can read about in ancient fairy tales).<sup>22</sup>

This state of affairs could last for a surprisingly long period of time, as the Romans never developed a criminal law which would resemble the contemporary systems in its shape.<sup>23</sup> It was not the state (as Theodor Mommsen and some other scholars wanted) that punished the majority of criminals, as the state from the Roman perspective was *populus Romanus* – the community of citizens united in their activities for the common good (in no way did the Roman *Roma* resemble, therefore, modern legal constructs created by Georg Jellinek).<sup>24</sup> Indeed, the community undertook action merely with regard to the acts which threatened the community itself as a whole. Murder, beating, rape and theft were not perceived as posing such a threat. Therefore, prosecution of such acts and punishing for them were left to private hands. The state merely created certain procedures and then assumed the role of an arbitrator and assistant of the victims (as is rightly observed by Wolfgang Kunkel).<sup>25</sup>

Until the reign of Justinian, in the social perception the punishment exercised under private initiative constituted a synonym of private revenge, as the Romans had never delineated a clear border between the punishment and vengeance.<sup>26</sup> Cicero wrote that it is in the nature of things to pay to each whatever is due to them. He also listed the enigmatic right to revenge (*ius ulciscendi*), that is a general right to take legal action in response to the harm sustained<sup>27</sup>. Arpinate argued that the motivation behind bringing a matter to court might be twofold: willingness to serve the state or a desire to pursue revenge.<sup>28</sup> Roman legal terminology has never managed to separate “primitive terms” like *ulcisci* or *vindicare* from “civilized technical terms” like *reum facere*, *accusare*, or *agere*.<sup>29</sup>

## The Canon

Eva Cantarella observes that revenge was reserved for men and it was a matter of honour.<sup>30</sup> According to Pascal Quignard: “Rome required *pietas* from men, *castitas* from the

<sup>20</sup> LERACZYK, I. *Ius belli et pacis w republikańskim Rzymie*. Lublin: Wydawnictwo KUL, 2018, pp. 81–90; MADEJSKI, *Pomiędzy robur animi a ritus barbarus*, pp. 153–180.

<sup>21</sup> Gai. 3.94: *iure belli res vindicatur*.

<sup>22</sup> Cfr. Phaed. *fab.* 1.1. See also: HENDERSON, J. *Telling Tales on Caesar: Roman Stories from Phaedrus*. Oxford: Oxford University Press, 2001, pp. 192–193.

<sup>23</sup> LINTOTT, A. Crime and Punishment. In: JOHNSTON, D. (ed.). *The Cambridge Companion to Roman Law*. Cambridge: Cambridge University Press, 2015, p. 302.

<sup>24</sup> MADEJSKI, *Pomiędzy robur animi a ritus barbarus*, pp. 32–33, 46–47.

<sup>25</sup> KUNKEL, W. *Untersuchungen zur Entwicklung des römischen Kriminalverfahrens in vorsullanischer Zeit*. München: Bayerische Akademie der Wissenschaften, 1962.

<sup>26</sup> JOŃCA, M. *Rzymskie prawo karne. Instytucje*, Lublin. Werset, 2021, p. 161.

<sup>27</sup> Cic. *top.* 23.90.

<sup>28</sup> Cic. *de off.* 2.14.50.

<sup>29</sup> LUZZATO, I. Sull’obbligo degli eredi di vendicare l’uccisione dell’ereditando. In: ALBERTARIO, E. (ed.). *Studi in memoria di Umberto Ratti*. Milano: Antonino Giuffrè, 1934, pp. 545–546.

<sup>30</sup> CANTARELLA, E. *I supplizi capitali in Grecia e a Roma*. Milano: Rizzoli, 1991, p. 310.

matrons, *obsequium* from the slaves (...). Roman *pietas* had very little to do with ‘piety’ or ‘respect’. *Pietas* was a typically Roman virtue and it did not mean, contrary to the suggestions of classical philologists, an affectionate attitude of the offspring to his parent. It denotes a dutiful conduct, rooted in the funerary ritual, whose fulfilment ‘rests’ on the shoulders of the sons. It is a one-sided obligation of the son towards the father ... *Pietas* denotes an unbreakable obligation of the young towards the older. It is an affective virtue – exclusively for sons.”<sup>31</sup> Cicero writes that *pietas* provided the foundations for all the virtues<sup>32</sup>.

One of the most important filial duties resulting from the *pietas* was to exact revenge on the father’s enemies.<sup>33</sup> Cato the Elder, on seeing a young man who won in court with his father’s adversary, was to say: “These are the sacrifices that we must offer to the spirits of our ancestors; neither sheep nor lamb, but judgements and tears of their enemies.”<sup>34</sup> Cicero praised Oppianicus who came forward with an accusation motivated by the *pietas*.<sup>35</sup> The sons of Lucullus, who took a stance on behalf of their father, were praised for their *pietas* and *industria* by Arpinate.<sup>36</sup> Sextus Pompeius, acting in his own conviction as an avenger of his father, used a pseudonym “pious”.<sup>37</sup> Finally, Octavian Augustus, having written about his deeds towards the end of his life, did not forget about the following: “Those who slew my father I drove into exile, punishing their deed by due process of law, and afterwards when they waged war upon the republic I twice defeated them in battle.”<sup>38</sup>

The exacting of revenge in a literal sense (killing the enemy) or in a symbolic way (bringing the enemy before the court) was perceived as a manifestation of piety. The son, who avenged his family, deserved to be called “pious” (*pious*). At the time of mature principate, on the grounds of such an understanding of piety, a very strange crime emerged known as *crimen inultae mortis*.<sup>39</sup> Those who did not initiate court proceedings against the murderers of their relatives were deprived of the right to inherit after them.<sup>40</sup>

## Transgression

It might be expected that the *laudator* would stop at enumerating standard praises of women known from a large number of other epitaphs.<sup>41</sup> In another speech, *Laudatio Murdiae*,

<sup>31</sup> QUIGNARD, P. *Seks i trwoga*. Warszawa: Czytelnik, 2002, p. 14.

<sup>32</sup> Cic. *pro Planc.* 29.3–4.

<sup>33</sup> THOMAS, Y. Sich rächen auf dem Forum. Familiäre Solidarität und Kriminalprozeß in Rom (1. Jh. v. Chr. – 2. Jh. n. Chr.). *Historische Anthropologie*, 1997, Vol. 5, No. 2, p. 161.

<sup>34</sup> Plut. *Cat. Mai.* 15.3. For the Romans, the verb *parentare* meant not only mourning parents and making offerings to the spirits of the dead, but also preparing for revenge. See: THOMAS, *Sich rächen auf dem Forum*, p. 169.

<sup>35</sup> Cic. *pro Cluent.* 62.172: *pietate ad accusandum excitatus est*.

<sup>36</sup> Cic. *acad.* 2.1.

<sup>37</sup> Cic. *Phil.* 5.39.

<sup>38</sup> *Mon. Ancyr.* 2.1: *Qui parentem meum [interfecer]un[t eo]s in exilium expuli iudiciis legitimis ultus eorum [fa]cin[us, e]t postea bellum inferentis rei publicae vici b[is a]cie*. Latin text quoted after: BRUNT, P. – MOORE, J. M. *Res Gestae Divi Augusti. The Achievements of the Divine Augustus*. Oxford: Oxford University Press, 1973, pp. 38–39.

<sup>39</sup> Cfr. LUZZATO, *Sull'obbligo*, pp. 545–589.

<sup>40</sup> Cfr. D. 29.5.26; C.J. 6.35.6 pr.

<sup>41</sup> Most popular tombstone compliments of deceased wives are compiled in: TREGGIARI, S. *Roman Marriage. Iusti coniuges from the Time of Cicero to the Time of Ulpian*. Oxford: Clarendon Press, 1993, p. 231.

its author indeed complains that it is difficult to write something original as a “woman’s life is not particularly rich in events”.<sup>42</sup> In those times, the most typical virtues from female epitaphs included the following: *lanifica, pia, pudica, casta, domiseda, laboriosa, sollicita*, etc.<sup>43</sup> The *laudator* praised all those virtues in his deceased wife.

However, the funerary speech also includes numerous formulations, which were rather typical of men. With reference to the merits of the deceased, the *laudator* relies three times on a typically male concept of *virtus*.<sup>44</sup> At the same time, Cicero’s writings include a fragment to the effect that “the word *virtus* (virtue) comes from *vir* (man)”.<sup>45</sup> The other “male” virtues which the dead woman was endowed with include: *firmitas animi*,<sup>46</sup> *constantia*<sup>47</sup> and *patientia*.<sup>48</sup> The above are accompanied by terms coming from the military jargon: *subsidia*,<sup>49</sup> *adversariorum custodes*,<sup>50</sup> *munire*,<sup>51</sup> or *parare*.<sup>52</sup> To execute her plans, the praised woman found allies (*socii*),<sup>53</sup> and from her meeting with the triumvir Lepidus, she incurred considerable injuries (*crudelibus exceptis volneribus*).<sup>54</sup> The author of the speech calls his wife *speculatrix* and *propugnatrix*.<sup>55</sup>

It should not therefore come as a surprise that such a special woman undertook a task that otherwise would be expected to be executed by men. The obligation to punish the murderers of the parents is described by the author as *munus pietatis*.<sup>56</sup> This is a unique expedient. The association of the idea of *pietas* with regard to the parents with a female, a daughter, constitutes a radical disturbance of the idea of the hierarchical order of the Roman family.

---

<sup>42</sup> CIL VI 10230: *quibus de causeis {Q} quom omnium bonarum feminarum simpleximi|lisque esse laudatio soleat quod naturalia bona propria custo|dia servata varietates verborum non desiderent satisque sit | eadem omnes bona fama digna fecisse et quia acquirere | novas laudes mulieri sit arduom quom minori-bus varieta|tibus vita iactetur necessario communia esse colenda ne quod | amissum ex iustis praeceptis cetera turpet* (Since the praise of all noble women used to be simple and similar, since the natural qualities cultivated by them do without a variety of words and it is enough that they all did the same things worthy of good fame, and because it is difficult for a woman to earn new praise, as her life is not so rich in events, therefore they necessarily cherish the qualities common to them, lest the neglect of some just precept does not cast a blemish on other virtues). Latin text quoted after: JONCA, *Laudatio Turiae*, pp. 23–24.

<sup>43</sup> Cfr. KURYŁOWICZ, M. *Rzymskie prawo oraz zwyczaje grobowe i pogrzebowe*. Lublin: Werset, 2020, pp. 171–172.

<sup>44</sup> *Laud. Tur.* II 6a, II 19, II 30.

<sup>45</sup> Cic. *tusc.* 2.43: *Apellata est enim ex viro virtus*.

<sup>46</sup> *Laud. Tur.* II 8 a; II 15. Compare with some descriptions from legal sources: *animi levitas* (Gai 1.144), *infirmitas sexus* (*Reg. Ulp.* 11.1; D. 48.16.1.10).

<sup>47</sup> *Laud. Tur.* I 25.

<sup>48</sup> *Laud. Tur.* II 21.

<sup>49</sup> *Laud. Tur.* II 2a.

<sup>50</sup> *Laud. Tur.* II 5a.

<sup>51</sup> *Laud. Tur.* II 7 a.

<sup>52</sup> *Laud. Tur.* II 7a.

<sup>53</sup> *Laud. Tur.* II 8.

<sup>54</sup> *Laud. Tur.* II 17.

<sup>55</sup> *Laud. Tur.* II 61. In a similar way Cicero dared to write only about the furies. Cfr. Cic. *de nat. deor.* 3.46: *speculatrices et vindicatrices*. On the typically “masculine” compliments the speechwriter bestowed on his late wife: HEMELRIJK, E. Masculinity and Femininity in the *Laudatio Turiae*. *The Classical Quarterly*, 2004, No. 54, p. 189.

<sup>56</sup> *Laud. Tur.* I 7.

## The female accuser

Let us return to the trial. The circumstances of the death of the woman's parents are not known. In literature it is assumed that they lost their lives in the year 49 BC, when Caesar's army entered Italy.<sup>57</sup> The author of the speech must have probably found himself among the supporters of Pompeius, who left Rome and went East. It is not known before which court or in what procedure the trial took place. It could have been a tribunal of sworn judges for assassinations and poisonings (*quaestio de sicaris et veneficiis*).<sup>58</sup> If the victims were of a lower status, the matter might have been also dealt with in the administrative procedure.<sup>59</sup> One thing is certain: a woman, with the assistance of her sister (sic!), achieved success.

This astonishing victory should be viewed against a wider backdrop of the climate of the epoch. The time of the late republic marks a short but intensive period when women appeared before courts to represent themselves. Internal tensions and unrest, followed by civil wars lasting for many years to come, caused that an abundance of men lost their lives. Others remained far from home or had to go into hiding. This difficult situation created for women an unprecedented opportunity for their voice to be heard in public life.

However, the presence of women in the public sphere met with a very negative reaction from the male part of the Roman society. Valerius Maximus refers contemptuously to a woman who successfully dealt with court matters on her own with a term "androgyné" (*androgyné*).<sup>60</sup> In a different place, he writes of a rather unknown Carfania:<sup>61</sup> "She prolonged her life to the Consulship of C. Caesar (second time) and P. Servilius: in the case of such a monster (*tale enim monstrum*) the date of extinction rather than of origin is to be recorded."<sup>62</sup> The noun *monstrum* was formed on the basis of the verb *monstrare* – to demonstrate.<sup>63</sup> The *monstrum* is a sign from the gods suggesting that there has been a serious crisis in their relations with people. Such a message would usually appear in the form

---

<sup>57</sup> Cfr. MEYER, E. *Caesars Monarchie und das Principat des Pompeius*. Stuttgart – Berlin: J. G. Cotta Buchhandlung Nachfolger, 1922, pp. 292–318.

<sup>58</sup> More on the establishment and powers of the tribunal of jurors (*quaestio perpetua de sicaris et veneficiis*) trying murderers in Rome: CLOUD, J. D. The primary Purpose of the. *Lex Cornelia de sicariis*. ZSS 1969, No. 86, pp. 258–286. For the procedure used before these courts: STRAHAN-DAVIDSON, J. L. *Problems of the Roman Criminal Law, V. II*. Oxford: Clarendon Press, 1912, pp. 112–152.

<sup>59</sup> Cfr. NIPPEL, W. *Public Order in Ancient Rome*. Cambridge: Cambridge University Press, 1995, pp. 22–26.

<sup>60</sup> Val. Max. 8.3.1: *Amesia Sentinas rea causam suam L. Titio praetore iudicium cogente maximo populi concursu egit modosque omnes ac numeros defensionis non solum diligenter, sed etiam fortiter executata, et prima actione et paene cunctis sententiis liberata est. quam, quia sub specie feminae uirilem animum gerebat, Androgynem appellabant* (The accused Mesia of Sentinum defended her case in the presence of a large crowd when Praetor Lucius Titius presided over the court. She moved all those present and carried out all the points of her defense not only carefully but vigorously, and won the trial in the very first session and by almost all the votes. She was called androgyné because she carried a man's soul in a woman's body). Cfr. CANTARELLA, E. *Passato prossimo. Donne romane da Tacita a Sulpicia*. Milano: Feltrinelli, 2006, p. 93.

<sup>61</sup> It is interesting that in this peculiar case the wife gained more fame than the husband, who, according to Valerius Maximus (8.3.2), was a Roman senator. Cfr. BROUGHTON, T. R. S. *The Magistrates of the Roman Republic, V. II*. New York: American Philological Association, 1952, p. 492.

<sup>62</sup> Val. Max. 8.3.2: *Prorogauit autem spiritum suum ad C. Caesarem iterum <P> Seruilium consules. Tale enim monstrum magis quo tempore extinctum quam quo sit ortum memoriae tradendum est.*

<sup>63</sup> WALDE, A. – HOFMANN, J. B. *Lateinisches Etymologisches Wörterbuch, V. II*. Heidelberg: Carl Winters Universitätsbuchhandlung, 1954, pp. 109–110.



of an unusual, atypical event, which would as a result instigate fear.<sup>64</sup> It had to be well interpreted and then neutralized. In the case of abnormal creatures, neutralization *de facto* meant annihilation. According to Valerius Maximus, a woman appearing before the court and seeking justice on her own constituted precisely such a *monstrum*.

### Lack of legacy

The jurist Ulpian, explaining the praetorian prohibition for women to appear in the courts refers to the figure of Carfania: “The origin of this restriction was derived from the case of a certain Carfania, an extremely shameless woman, whose effrontery and annoyance of the magistrate gave rise to this Edict.”<sup>65</sup> This explanation, just like the ideas on the subject of *infirmitas sexus* or *leviatis animi* is a source of a certain consternation today. Indeed, it should be remembered that literary and legal sources in their vast majority were compiled by men belonging to the circles of the Roman aristocracy. All of them were subject to censorship and (what is worse) self-censorship. They are practically overflowing with silences, misrepresentations and understatements. They were and still are a powerful tool of manipulation.

*Laudatio Turiae* differs from them to the extent that it is a text prepared in special circumstances and for private reasons. The author of the speech, grief-stricken after the loss of his wife abandoned all conventions and described the deceased in a different way from what was expected. It is quite probable that here and there he might have exaggerated with praise, but he was nevertheless honest and during writing he must have been experiencing strong emotions. This is why the woman praised in the speech is not “extremely shameless” and does not “bark”, neither is she an “androgyné”. The author of the speech through sophisticated phrasing makes it clear in various ways that his wife, in her talents and determination, not only equalled men, but in many respects, she was superior to them. Her appearances in front of the court and victory over the murderers of her parents is just one of the multiple points on a long list of her merits, which would be a source of pride for any citizen of Rome of noble birth.

An indispensable component of Roman culture were *exempla*, which were used for explaining the reality, dispelling doubts and answering questions.<sup>66</sup> They were used on a massive scale in judiciary argumentation and as educational material for the younger generation. Today, it might be imagined that this fascinating story of an anonymous Roman matron would fit perfectly to become a canonical story to be learned by heart during rhetoric classes. However, it did not happen that way. The obstacle lied in the stuffy climate of the Augustan principate.<sup>67</sup> Caesar Augustus, or Octavian, whose official policy consisted of artificial implementation of “ancient” customs into the contemporary times could not

---

<sup>64</sup> CANTARELLA, *Passato prossimo*, p. 95.

<sup>65</sup> D. 3.1.1.5: *Origo vero introducta est a Carfania improbissima femina, quae inverecunde postulans et magistratum inquietans causam dedit edicto.*

<sup>66</sup> MADEJSKI, *Pomiędzy robur animi a ritus barbarus*, p. 72, 82.

<sup>67</sup> Of the more recent works on Roman legislation relating to women, it is worth mentioning: PAVÓN, P. *Feminae et leges. Algunos aspectos sobre la política legislativa imperial romana en materia de mujeres.* *RIDA*, 2020/2021, No. 67/68, pp. 191–213.

and did not want to allow for a woman's role in society to go beyond that of a wife and mother.<sup>68</sup> Female bodies have once again become a tool of male politics.<sup>69</sup>

It is possible that such "iconoclastic" tablets were not destroyed in the 1st century AD because they formed a part of the tomb and as *res religiosae* were under the special protection of the gods.<sup>70</sup> The fact that they were preserved might also be caused by the author's skilful and cunning presentation of himself as a citizen who is utterly loyal towards his contemporary rulers. However, due to the fact that the content of the epitaph was in stark contrast to the imperial line of propaganda, a different strategy was employed – a tested and effective one. The story of this woman was consequently ignored. It seems that this is the reason why Valerius Maximus and Ulpian wrote about the "barking" and "shameless" Carfania and the name of the brave woman who took to court in order to defend the honour of her family remains unknown.

### Summary

"How many women's noble deeds go unacknowledged!" lamented Seneca the Younger<sup>71</sup>. Fortunately, the moving epitaph survived and offers surprising insights into the legal practices at the dawn of the principate. It shows in this concrete example not only the woman's active engagement, but also the support which her actions inspired among the male members of her family. Despite the fact that she successfully undertook numerous "male" actions, she was neither ostracized nor laughed at. On the contrary, her achievements were chiselled in stone so that they could be preserved as an example for posterity. The speech known as *Laudatio Turiae* constitutes an irrefutable proof that the world has never been black and white and that life always continues irrespective of the guidelines formulated by the authorities or social stereotypes.

---

<sup>68</sup> POMEROY, S. B. *Goddesses, Whores, Wives and Slaves. Women in Classical Antiquity*. London: Pimlico, 1994, p. 161.

<sup>69</sup> ROUSSELLE, A. La politica dei corpi: tra procreazione e continenza a Roma. In: SCHMITT PANTEL, P. (ed.), *Storia delle donne. L'antichità*. Roma – Bari: Laterza, 2009, pp. 339–343.

<sup>70</sup> Extensively on this category of things in Roman law: JOŃCA, M. *Przestępstwo znieważenia grobu w rzymskim prawie karnym*. Lublin: Wydawnictwo KUL, 2013, pp. 53–78.

<sup>71</sup> Sen. cons. ad Helv. 19.5: *O quam multarum egregia opera in obscuro iacent!*